



IFW

DOCKET NO. 88-2042A  
(Customer No. 33967)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**IN RE APPLICATION:**

David R. Breese, et al.

)  
) **EXAMINER:** Irina S. Zemel

**SERIAL NUMBER : 10/625,718**

)  
) **ART UNIT:** 1711

**FILING DATE : July 23, 2003**

)  
) **CONFIRMATION NO.:** 8126

**FOR: Ethylene-Vinyl Acetate Compositions  
Having Improved Heat Seal Properties**

)  
) **DATE OF THIS PAPER:**  
) **May 5, 2005**

**Notice of Non-Compliant Amendment (37 CFR 1.121(b))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To Whom It May Concern:

Please enter the following in response to the *Notice of Non-Compliance Amendment (37 CFR 1.121)* mailed **April 27, 2005** and having a one-month period to response set to expire on **May 27, 2005**.

A complete copy of the previously submitted Amendment under 37 CFR 1.115 for the above-identified application with Claims 1-5 now correctly identified as "(Currently Amended)" in compliance with 37 CFR 1.121 is resubmitted herewith. A copy of the Non-Compliance Notice is also enclosed. No additional fee is required for this action as it is being filed within the one-month time frame.

Respectfully submitted,

Gerald A. Baracka  
Agent for Applicant  
Registration No. 25,389  
(513-530-4218)

U.S. Serial No. 10/625,718

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 5, 2005 By: Margie Bailey



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10/625,718  
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 4-13-05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Amended is not a proper status identifier please use one of the above identifier

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Felicia Farmer  
Legal Instruments Examiner (LIE)

571-272-1005  
Telephone No.